

Notice of Allowability

Application No.

10/813,287

Examiner

Ali Abdelwahed

Applicant(s)

BREITENMOSER, ARMIN

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Initial Filing.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 30 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

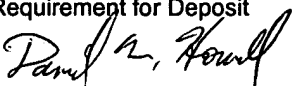
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Daniel W. Howell
Primary Examiner
Art Unit 3722

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Alexander Zinchuk on October 8, 2004.

The application has been amended as follows:

Claim 4, line 2, after "...said cover..." delete "part".

Claim 4, line 3, after "...sliding cover..." delete "part".

Claim 4, line 4, after "...sliding cover..." delete "part".

Claim 5, line 3, delete "bit" and insert --bits--.

Claim 6, line 2, delete "(50)".

Claim 6, line 4, delete "closed" and insert --first--.

Claim 6, line 4, delete "released" and insert --second--.

Allowable Subject Matter

Claims 1-6 are allowed.

The following is an examiner's statement of reasons for allowance: The specific limitations of "...at least one cover slidably displaceable on said auxiliary bracket and

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movable between a first position closing said storage receptacle and a second position affording access to remove tool bits from said storage receptacle..." in claim 1 are not anticipated or made obvious over the prior art of record in the examiner's opinion. For example, German Patent No. DE 3514023 A1 to Nocon teaches a motor driven hand tool (10) comprising a motor housing (12) having a drive axis with a leading end and a trailing end spaced apart in the direction of the drive axis (see fig.1), a main handle (14) projecting transversely outwardly of the motor housing adjacent to the trailing end thereof (see fig.1), a working tool receptacle (20) at the leading end of the motor housing arranged to mount one of a plurality of tool bits (22), a storage receptacle (44) for removably fixing of the plurality of tool bits (see figs. 2, 5, 7), an auxiliary bracket (16) extending longitudinally outwardly from the motor housing and spaced in the direction of the drive axis from the main handle toward the leading end of the motor housing (see fig.1), the storage receptacle located in the auxiliary bracket (see figs. 2, 4, 5, 7). However, Nocon fails to teach the specific limitations of "at least one cover slidably displaceable on said auxiliary bracket and movable between a first position closing said storage receptacle and a second position affording access to remove tool bits from said storage receptacle", and there is no motivation or suggestion within the Nocon patent to modify it as such.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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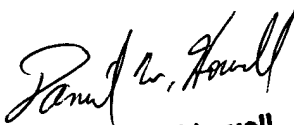
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (703) 308-2159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA
10/08/2004


Daniel W. Howell
Primary Examiner
Art Unit 3722